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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/748,352

Filing Date: December 30, 2003

Appellant(s): FINNERTY ET AL.

Cyrus F. Bharucha
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/10/2010 appealing from the Office action
mailed 02/18/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-5, 7-12, 14-19, 21-33, 35-36, and 40-45 are pending and stand rejected in the Final Office Action dated February 18, 2010 and in the Advisory Action dated May 10, 2010.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being

maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US Pub.: 2004/0030693	<u>Toda</u>	02-2004
US Patent 6,421,733	<u>Tso et al.</u>	07-2002
US Patent 6,587,126	<u>Wakai et al.</u>	07-2003
US Patent 7,167,919	<u>Iwamoto et al.</u>	01-2007

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-12, 14-19, 21-33, 35-36 and 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakai et al. (US Patent 6,587,126) in view of Tso et al. (US Patent 6,421,733), Iwamoto et al. (US Patent 7,167,919) and Toda (US Pub.: 2004/0030693).

As per claims 1, 9, 16, 23 and 30, Wakai teaches a computer-readable storage medium system and method comprising:

- a processor (CPU 802 of Fig. 8) configured to execute instructions;
- a plurality of devices (e.g. printer device and scanner device in multi-function device 705 of Fig. 7) coupled to the computer system (Fig. 7, ref. 706), wherein each device is configured to perform a corresponding function/service (e.g. printing function, scanning function) (col. 13, l. 21 to col. 16, l. 60); and
- a memory (Fig. 8, 805-807), coupled to the processor (Fig. 8, ref. 802), and configured to store the instructions, wherein the instructions comprise:

- a module of receiving instructions (web server 204 of Fig. 2) configured to receive a first request to provide a requested service (e.g. service of printing), wherein the first request is received from an applet (Fig. 2, ref. 202, 203) executing on a first remote network node (Fig. 2, ref. 102) and the first request conforms to a request format defining in a first language (e.g. markup language) (col. 14, ll. 41-47), wherein the first request to provide the service of printing is transferred from the web browser (Fig. 2, ref. 202, 203) to the web server (Fig. 2, ref. 204) conforming to the markup language utilized by the web browser (Fig. 132) (col. 13, l. 21 to col. 16, l. 60),

- at least one device (e.g. printer device in multi-function device 705 of Fig. 7) of the plurality of devices (e.g. printer device and scanner device in multi-function device 705 of Fig. 7) is configured to provide the requested service (e.g. service of printing),

wherein the plurality devices comprising the printer device and the scanner device (col. 13, l. 21 to col. 16, l. 60);

providing the first request to a server component (Fig. 2, ref. 103) (col. 13, l. 21 to col. 16, l. 60);

a module of selecting instructions (i.e. selecting therefore identifying) configured for selecting (identifying) a first device (e.g. printer device in multi-function device 705 of Fig. 7) of the plurality of devices/at least two devices (e.g. printer device and scanner device in multi-function device 705 of Fig. 7) to provide the requested service (e.g. service of printing) (Fig. 32, ref. S3201) (col. 3, ll. 3-5 and col. 13, l. 21 to col. 16, l. 60), and

the module of selecting instructions (i.e. selecting therefore identifying) are inherently performed in response to module of obtaining request instruction, as there is more than one option that the first request may be directed including the option to request for scanning by the scanner (e.g. scanner device in multi-function device 705 of Fig. 7) and the option to request for printing by the printer (e.g. printer device in multi-function device 705 of Fig. 7); therefore, only after obtaining the first request and determining the type of request (e.g. scanning or printing) by the desktop's PC's processor or the like, can the received request be properly routed to the correct peripheral device over the network (Fig. 7, ref. 701) (col. 13, l. 21 to col. 16, l. 60); and

a module of converting instructions (request manager 207 of Fig. 2) configured for converting the first request to a second request in a second language (e.g. process command comprising the print command) (col. 13, l. 21 to col. 16, l. 60), wherein the

request manager converts the first request to the corresponding process command directed to the printer device;

wherein the second request conforms to a request format defined in a second language (i.e. language associated with print process command) (col. 13, l. 21 to col. 16, l. 60);

the first device (e.g. printer device in multi-function device 705 of Fig. 7) is configured to provide the requested service (e.g. service of printing) in response to receiving the second request (e.g. process command comprising the print command) (col. 14, ll. 47-55), wherein the service of printing is performed when the printer's command analysis/process unit (Fig. 2, ref. 208) receives the print command (col. 13, l. 21 to col. 16, l. 60).

Wakai does not teach the computer-readable storage medium system and method comprising: wherein the first request is received from a plurality of source types; wherein the plurality of source types comprises a control module executing on a second remote network node; a language parser configured to parse the first language; obtaining results of the parsing the first request from the language parser; at least two devices among/of the plurality of devices are configured to provide the requested service; selecting performed in response to the result of the parsing; and at least one of the plurality of devices is configured to receive requests only in a format that is incompatible with the request format defined in the second language.

Tso teaches a system and a method comprising:
multiple network clients (col. 6, ll. 51-63);

a language parser (Fig. 3, ref. 22) configured to parse the first language (e.g. markup language); obtaining results of the parsing the first request from the language parser; and selecting performed in response to the result of the parsing (col. 2, l. 44 to col. 3, l. 65), by combining the parser with Wakai's conversion and device selection.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Tso's parser into Wakai's server component for the benefit of enabling the manipulation of transferred data between the client computer and the network computer/device without changing existing hardware (Tso, col. 1, ll. 24-40) to obtain the invention as specified in claims 1, 9, 16, 23 and 30.

Wakai and Tso do not teach the computer-readable storage medium system and method comprising wherein the first request is received from a plurality of source types; and wherein the plurality of source types comprises a control module executing on a second remote network node; at least two devices among/of the plurality of devices are configured to provide the requested service; and at least one of the plurality of devices is configured to receive requests only in a format that is incompatible with the request format defined in the second language.

Iwamoto teaches a system and a method comprising:

a first request is received from a plurality of source types (e.g. access controller, enterprise server, magnetic card reader) (Fig. 1-3; col. 1, ll. 41-42; col. 2, ll. 13-30 and col. 4, l. 4 to col. 5, l. 67), in combination with Wakai's request and Tso's multiple network clients; therefore, resulting combination have multiple network clients on the

network, each client have the respective different type of source to send the first request; and

wherein the plurality of source types comprises a control module (e.g. access controller 49 of Fig. 3) executing on a second remote network node (Fig. 1-3; col. 1, II. 41-42; col. 2, II. 13-30 and col. 4, I. 4 to col. 5, I. 67), in combination with Wakai's request and Tso's multiple network clients; therefore, resulting combination have the internet network having multiple network clients wherein the multiple network clients include the access controller.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Iwamoto's different source types into Wakai and Tso's network system not only have the benefit of expanding the utilization of the single peripheral device by different source types, but also have the benefit of more efficient and secure storage of access management information at a centralized location (Iwamoto, col. 2, II. 46-53) to obtain the invention as specified in claims 1, 9, 16, 23 and 30.

Wakai, Tso and Iwamoto do not expressly teach the computer-readable storage medium system and method comprising at least two devices among/of the plurality of devices are configured to provide the requested service; and at least one of the plurality of devices is configured to receive requests only in a format that is incompatible with the request format defined in the second language.

Toda teaches a system and a method comprising at least two devices (e.g. scanner and printer) among/of the plurality of devices are configured to provide a requested service (e.g. command corresponding to the copier function/service) (e.g. as the copy request utilizes the scanner to scan the document, and then utilizes the printer to print the scanned document); and at least one of the plurality of devices (e.g. scanner device 32, printer device 31, and facsimile device 28 of Fig. 2) is configured to receive requests only in a format that is incompatible with the request format defined in the second language (Fig. 1-2; [0004]-[0016] and [0045]-[0077]), by combining the user/client requesting to copy, scan, print, or fax with Wakai, Tso and Iwamoto's multi-function device, the resulting combination of the references further teaches the fax device is configured to only receive fax command that is incompatible with the request format corresponding to print command.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Toda's processing of different device commands into Wakai, Tso and Iwamoto's multi-function device for the benefit of more efficient control of the multi-function device and improving compatibility with the multi-function device (Toda, [0011] and [0015]) to obtain the invention as specified in claims 1, 9, 16, 23 and 30.

As per claim 2, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 1 as discussed above, where Wakai further teaches the computer-readable storage medium system and method comprising directing the second request (process

command comprising the printing command) to the first device (printer) (Wakai, col. 14, 47-55), as the second request (process command) is directed to the printer's command analysis/process unit (Wakai, Fig. 2, ref. 208).

As per claim 3, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 2 as discussed above, where Wakai further teaches the computer-readable storage medium system and method comprising:

the first language is a mark up language (Wakai, Fig. 10 and col. 14, ll. 41-47), as the first request is transferred by the web browser (Wakai, Fig. 2, ref. 202, 203) over the network to the web server (Wakai, Fig. 2, ref. 204) utilizing language such as HTML (Wakai, Fig. 132);

the second language is a device specific language of a plurality device specific languages (Wakai, Fig. 7 and col. 16, ll. 56-60), wherein process command comprising the print command and the scan command, as the print command would be specific for the printer and the scan command would be specific for the scanner,

wherein each of the plurality of devices communication using one of the plurality of device specific languages (Wakai, Fig. 7 and col. 16, ll. 56-60).

As per claim 4, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 2 as discussed above, where Wakai further teaches the computer-readable storage medium system and method comprising wherein the request formats comprise:

at least one instruction (instruction to print) (Wakai, col. 17, ll. 8-14), and

data (print information) to be used when performing the at least one instruction (Wakai, col. 17, ll. 8-14).

As per claim 5, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 4 as discussed above, where Wakai further teaches the computer-readable storage medium system and method comprising:

specifying use of a specific feature (printing feature) of the first device (Wakai, printer 702 of Fig. 7) (Wakai, Fig. 22 and col. 14, ll. 51-55),

wherein said specifying use of the specific feature comprises specifying a optional variable (variable of "Print") (Wakai, Fig. 22 and col. 23, ll. 59-63) and

providing a value (value of data file to be printed) for the optional variable (Wakai, Fig. 132 and col. 45, ll. 19-22), wherein the data file to be printed is provided by specifying the specific data file; therefore, the optional variable and the value specify use the specific feature of the first device; and

said converting the first request to the second request comprises:

including the optional variable in the at least one instruction of the second request, and including the value for the optional variable in the data of the second request (Wakai, Fig. 132 and col. 45, ll. 19-22), wherein the user requests service of printing of the specific data file by selecting the "print" on screen with the specific data file, therefore the second request comprises of the "print" request and the data file to be printed.

As per claim 7, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 1 as discussed above, where Wakai and Toda further teaches the computer-readable storage medium system and method comprising sending a response to the first request wherein the response conforms to a response format defined in the first language (e.g. markup language) (Wakai, Fig. 22, ref. S2213 and Toda, [0069]), as the HTML page corresponds to the printing is transferred to the client component.

As per claim 8, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 7 as discussed above, where Wakai further teaches the computer-readable storage medium system and method comprising wherein the response formats comprises:

at least one instruction (Wakai, Fig. 22, ref. S2213), wherein the instruction comprising the instruction to display the corresponding HTML page; and

data to be used when performing the at least one instruction (Wakai, Fig. 23, ref. S2312, S2313 and col. 24, ref. 45-49), wherein the data to be used comprising "Printing successful" and "Printing failure".

As per claim 27, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 24 as discussed above, where Wakai further teaches the computer-readable storage medium wherein the instructions further comprising sending a response to the first request (Wakai, Fig. 22, ref. S2213), as the HTML page corresponds to the printing is transferred to the client component.

Claims 10-12 and 14-15 repeat the limitations of claims 2, 4-5 and 7-8 and are therefore rejected accordingly.

Claims 17-19 and 21-22 repeat the limitations of claims 2, 4-5 and 7-8 and are therefore rejected accordingly.

Claims 24-26 and 28-29 repeat the limitations of claims 2, 4-5 and 7-8 and are therefore rejected accordingly.

Claims 31-33 and 35-36 repeat the limitations of claims 2, 4-5 and 7-8 and are therefore rejected accordingly.

As per claim 40, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 1 as discussed above, where Iwamoto further teaches the method comprising wherein the plurality of source types comprises a magnetic card reader (Iwamoto, Fig. 1-3; col. 1, ll. 41-42; col. 2, ll. 13-30 and col. 4, l. 4 to col. 5, l. 67).

As per claim 41, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 1 as discussed above, where Wakai, Tso and Toda further teach the method comprising:

receiving a third request to provide a second requested service (e.g. service of scanning or faxing), wherein the third request conforms to the request format defined in

the first language (e.g. markup language) (Wakai, col. 14, ll. 41-47), said receiving the third request is performed by the module in the computer system, providing the third request to the language parser (Wakai, col. 13, l. 21 to col. 16, l. 60; Tso, Fig. 3, ref. 22; col. 2, l. 44 to col. 3, l. 65 and Toda, Fig. 1-2; [0004]-[0016] and [0045]-[0077]), wherein the third request to provide the service of scanning or faxing is transferred from the web browser (Wakai, Fig. 2, ref. 202,203) to the web server (Wakai, Fig. 2, ref. 204) conforming to the markup language utilized by the web browser (Wakai, Fig. 132);

obtaining results of parsing the third request from the language parser (Wakai, col. 13, l. 21 to col. 16, l. 60 and Tso, Fig. 3, ref. 22; col. 2, l. 44 to col. 3, l. 65) ;

selecting a second device (Toda, scanner device 32 or facsimile device 28 in MFP 2 of Fig. 2) of the plurality of devices (Toda, scanner device 32, printer device 31, and facsimile device 28 in MFP 2 of Fig. 2) to provide the second requested service (e.g. service of scanning or faxing), wherein said selecting the second device is performed in response to said obtaining the results of parsing the third request (Wakai, col. 13, l. 21 to col. 16, l. 60; Tso, Fig. 3, ref. 22; col. 2, l. 44 to col. 3, l. 65 and Toda, Fig. 1-2; [0004]-[0016] and [0045]-[0077]); and

converting the third request to a fourth request (e.g. scan or facsimile command), wherein the fourth request conforms to a request format defined in a third language (e.g. language associated with scan or facsimile process command), the second device (Toda, scanner device 32 or facsimile device 28 in MFP 2 of Fig. 2) is configured to provide the second requested service (e.g. service of scanning or faxing) in response to receiving the fourth request, and at least one of the plurality of devices is configured to

receive requests only in a format that is incompatible with the request format defined in the third language (Wakai, col. 13, l. 21 to col. 16, l. 60; Tso, Fig. 3, ref. 22; c col. 2, l. 44 to col. 3, l. 65 and Toda, Fig. 1-2; [0004]-[0016] and [0045]-[0077]), wherein the printer device is configured to only receive print command that is incompatible with the request format corresponding to scan or fax command.

As per claim 42, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 1 as discussed above, where Wakai, Tso and Toda further teach the method comprising: wherein the at least two devices configured to provide the requested service comprise: the first device, wherein the first device comprises a first application program interface (API) configured to receive instructions in a first device-specific native language; and a second device, wherein the second device comprises a second API configured to receive instructions in a second device-specific native language, and the second device-specific native language is distinct from the first device-specific native language (Wakai, Fig. 1-2; Fig. 4; Fig. 7; col. 13, l. 21 to col. 16, l. 60; col. 24, ll. 45-49; Tso, Fig. 3, ref. 22; col. 2, l. 44 to col. 3, l. 65; col. 4, ll. 14-17; and Toda, Fig. 1-2; [0004]-[0016] and [0045]-[0077]), as it is to the examiner's best understanding, in accordance to applicant's Specification (paragraph [0003] and [0009]-[0011]) and Drawings (Figure 1), that the above feature corresponding to connecting and utilizing devices of different vendors having different APIs is enabled by the functionality of utilizing markup language, wherein first request conforming to the markup language is forwarded and then converted to the corresponding device-specific native language,

understood by the corresponding device; considering that it is also well known to connect and utilize devices by different vendors on the LAN to communicate with the requesting computer via markup language, that the resulting combination of the references teaches the multifunctional apparatus having the plurality of devices connected to the requesting computer over the LAN and communicating via the markup language, and that the received markup language request by the multifunctional apparatus from the requesting computer is converted from the markup language to the device specific language before being forwarded to the corresponding device, it would have been obvious for the multifunctional apparatus' devices to be manufactured by different vendors having corresponding APIs, as communication between the requesting computer and the multifunctional apparatus' devices is enabled by the markup language and the corresponding language conversion (i.e. the use of the markup language and the corresponding language conversion is functional equivalent to the core novelty of applicant's invention for language conversion); additionally, in accordance to the interview dated 09/08/2009, the resulting combination of the references is further clarified to be functional equivalent to the novel device manager for receives the markup language request and convert it to the appropriate language utilized by the device, therefore, it would have been obvious for the multifunctional device to have the devices by different vendors, wherein communication between the requesting computer and the devices is enabled by the references' language conversion functionality.

As per claim 43, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 1 as discussed above, where Wakai, Tso and Toda further teach the method comprising: wherein the at least two devices configured to provide the requested service comprise: the first device, wherein the first device is produced by a first vendor; a second device, wherein the second device is produced by a second vendor; the second vendor is distinct from the first vendor (Wakai, Fig. 1-2; Fig. 4; Fig. 7; col. 13, l. 21 to col. 16, l. 60; col. 24, ll. 45-49; Tso, Fig. 3, ref. 22; col. 2, l. 44 to col. 3, l. 65; col. 4, ll. 14-17; and Toda, Fig. 1-2; [0004]-[0016] and [0045]-[0077]), as it is to the examiner's best understanding, in accordance to applicant's Specification (paragraph [0003] and [0009]-[0011]) and Drawings (Figure 1), that the above feature corresponding to connecting and utilizing devices of different vendors having different APIs is enabled by the functionality of utilizing markup language, wherein first request conforming to the markup language is forwarded and then converted to the corresponding device-specific native language, understood by the corresponding device; considering that it is also well known to connect and utilize devices by different vendors on the LAN to communicate with the requesting computer via markup language, that the resulting combination of the references teaches the multifunctional apparatus having the plurality of devices connected to the requesting computer over the LAN and communicating via the markup language, and that the received markup language request by the multifunctional apparatus from the requesting computer is converted from the markup language to the device specific language before being forwarded to the corresponding device, it would have been obvious for the

multifunctional apparatus' devices to be manufactured by different vendors having corresponding APIs, as communication between the requesting computer and the multifunctional apparatus' devices is enabled by the markup language and the corresponding language conversion (i.e. the use of the markup language and the corresponding language conversion is functional equivalent to the core novelty of applicant's invention for language conversion); additionally, in accordance to the interview dated 09/08/2009, the resulting combination of the references is further clarified to be functional equivalent to the novel device manager for receives the markup language request and convert it to the appropriate language utilized by the device, therefore, it would have been obvious for the multifunctional device to have the devices by different vendors, wherein communication between the requesting computer and the devices is enabled by the references' language conversion functionality.

As per claim 44, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 1 as discussed above, where Wakai, Tso and Toda further teach the method comprising: adding a new device to the plurality of devices; and coupling the new device to the language parser, wherein the new device is configured to provide the requested service (Wakai, Fig. 1-2; Fig. 4; Fig. 7; col. 13, l. 21 to col. 16, l. 60; col. 24, ll. 45-49; Tso, Fig. 3, ref. 22; col. 2, l. 44 to col. 3, l. 65; col. 4, ll. 14-17; and Toda, Fig. 1-2; [0004]-[0016] and [0045]-[0077]), as the multifunctional apparatus is newly connected to the LAN..

As per claim 45, Wakai, Tso, Iwamoto and Toda teach all the limitations of claim 43 as discussed above, where Wakai, Tso and Toda further teach the method comprising: wherein the first device is the new device (Wakai, Fig. 1-2; Fig. 4; Fig. 7; col. 13, l. 21 to col. 16, l. 60; col. 24, ll. 45-49; Tso, Fig. 3, ref. 22; col. 2, l. 44 to col. 3, l. 65; col. 4, ll. 14-17; and Toda, Fig. 1-2; [0004]-[0016] and [0045]-[0077]), as the multifunctional apparatus is newly connected to the LAN.

(10) Response to Argument

Issue A:

Appellant argued that the combination of the references does not teach/suggest the claimed feature in independent claims 1, 9, 16, 23 and 30 corresponding to "... each of the plurality of devices is configured to provide a corresponding service, at least two devices among the plurality of devices are configured to provide the requested service ..." because the pending rejections rely on two different and inconsistent proposals regarding the features of Toda, and neither of these proposals is capable of supporting the rejection of claim 1; more specifically:

A1 - the cited multifunctional apparatus (MFP) in Toda does not include at least two devices that provide the same "requested service," whether that service is understood as printing or scanning in Toda, as Toda neither teaches/suggests that MFP includes at least two printing elements (i.e. at least two devices) that each provide a printing service (i.e. requested service) nor that MFP includes at least two

scanning elements (i.e. at least two devices) that each provide a scanning service (i.e. requested service) (i.e. Toda fails to disclose that MFP should include more than one scanning element or more than one printing element).

A2 - the cited multifunctional apparatus in Toda also does not include "at least two" devices that "each" provide a copying service, as Toda's "copy service" is independently provided by neither Toda's printer element nor Toda's scanner element; more specifically, if Toda's copying operations are to be equated with the "requested service" in claim 1, then neither Toda's printer engine 31 nor Toda's scanner engine 32 qualifies as a device that is "configured to provide the requested service"; alternatively, if Toda's elements 31 or 32 were view together to form a copying element that is configured to provide a copy service, Toda's disclosure would still fail to disclose the limitations of claim 1 because it would show, at best, single copying element 31+32, and does not show the inclusion of at least two copying elements.

Examiner's response to Issue A:

The examiner respectfully disagrees, and to further clarify, appellant clarified the instant invention during the interview dated September 08, 2009:

"...The interview mainly focused on the attorney assisting the examiner in gaining a better understand of the instant invention, wherein the attorney explained that the novelty for the instant invention simplify the addition of peripheral device by utilizing a novel device manager (Drawings, Fig. 1A, ref.

140), wherein the device manager properly converts the received request to the appropriate language utilized by the respective plurality of devices (Drawings, Fig. 1A, ref. 130A-130D). And in comparison to Wakai, Wakai only provide the received request to a single device (e.g. printer 206 of Fig. 2), instead of to a plurality of devices as in the instant invention ...,”

and it is examiner's best understand that the novelty of the instant invention is “... the device manager properly converts the received request to the appropriate language utilized by the respective plurality of devices ...”, wherein Toda does teach the novelty of the instant invention as Toda does teach a digital multifunctional apparatus having corresponding control module for converting the received request (e.g. copy request received from the network conforming to network protocol language, such as XML format, for copier function that utilize the scanner for scanning then the printer for printing) to the appropriate language (e.g. scanner language and printer language) utilized by the respective plurality of devices (e.g. scanner and printer) (Toda, Fig. 1-2; [0013]; [0046]-[0058]; and [0067]-[0069]).

Therefore, based on the above clarification, the resulting combination of the references does teach/suggest the above claimed feature as following:

Wakai teaches a plurality of devices (e.g. printer device and scanner device in multi-function device 705 of Fig. 7) coupled to the computer system (Fig. 7, ref. 706), wherein each device is configured to perform a corresponding service (e.g. printer function service and scanner function service) (Wakai, col. 15, l. 58 to col. 16, l. 60).

Toda teaches at least two devices (e.g. the scanner and the printer of the digital multifunctional apparatus) among the plurality of devices are configured to provide a requested service (e.g. requested copy service provided by the scanner and the printer, as document is scanned and then printed) (Toda, Fig. 1-2; [0004]-[0016] and [0045]-[0077]).

Additionally, appellant's claim requires "request service" and not "same request service," and as discussed in detail above, the combination of the references does teach the requested copying service is provided by two devices, as the scanner and the printer provide the requested copying service.

Issue B:

Appellant argued that the combination of the reference does not teach the claimed feature of "adding a new device to the plurality of devices" (intervening claim 44) and that "the first device is the new device" (dependent claim 45) because Toda does not teach the printer element (i.e. first device/new device) is the new device that is added or could be added, and Toda teaches the opposite wherein Toda's elements are combined in a single digital multifunctional apparatus (MFP); therefore, Toda's integrated multifunction device militate against "adding" a new device, such as the cited printer device and such an addition would be particularly counterintuitive for Toda's system if the added device were wholly or partially duplicative or redundant.

Examiner's response to Issue I:

The examiner respectfully disagrees, as the combination of the references does teach/suggest the core of the instant invention as discussed in detail above, the combination of the references further does teach/suggest the claimed feature wherein the network comprise the plurality of devices, such as multifunctional device, printer and scanner (Wakai, Fig. 7); therefore when the multifunctional apparatus/device is newly connected to the network/LAN (e.g. when the multifunctional apparatus/device is initially purchased/acquired and connected), the multifunctional apparatus' printer device is a new device added the plurality of devices connected to the network/LAN (Wakai, Fig. 1-2; Fig. 4; Fig. 7; col. 13, l. 21 to col. 16, l. 60; and Toda, Fig. 1-2; [0013]; [0046]-[0058]; and [0067]-[0069]).

Issue C:

Appellant argued that the proposed modification of Toda's CPU 21 with Tso's parser 22 would be inconsistent with the teachings of Toda and Tso because one skilled person would not make this modification since such an addition would be cumulative in functionality:

as Toda's CPU 21 is functionally adequate for the operations of communicating with and controlling Toda's elements 28, 31, and 32; therefore, a person having ordinary skill in the art would see no need to modify CPU 21 for the benefits of "more efficient control of the multi-function device" and "improving compatibility";

additionally, the Final Office Action fails to explain how a modification of Toda's already-suitable CPU 21 would achieve more efficient control or improved compatibility with elements 28, 31, or 32 or other features of MFP as Toda itself teaches that the system described therein already provides efficient control (see Toda, paragraph [0011]) and improved compatibility (see Toda, paragraph [0015]);

furthermore, Tso's parser 22 would not improve Toda's CPU 21 in these regards, as the additional modules used with Tso's parser 22, such as Tso's transcode service provider 24, would add unnecessary and unwieldy overhead to Toda's CPU 21 and overall design and the content types relevant to parser 22, such as Tso's datatype, HTTP MIME type, or content format, are not described as being relevant or even usable by Toda's CPU 21.

Examiner's response to Issue C:

The examiner respectfully disagrees, because the appellant seems to have reversed the examiner's rational for combining the references, and to further clarify, the examiner's rational is to combine Toda's processing of different device commands via the CPU into Wakai, Tso and Iwamoto's multi-functional device (i.e. modifying Wakai, Tso and Iwamoto's multi-functional device to include Toda's processing, and not modifying Toda with Tso's disclosure, as argued by the appellant), and Toda's CPU would bring the benefit of more efficient control (see Toda, paragraph [0011]) and improved compatibility (see Toda, paragraph [0015]) to Wakai, Tso and Iwamoto's multi-functional device, as

indicated by the appellant to be taught by Toda above. Additionally, because both Tso and Toda operated in a local area network (LAN), therefore operation of Tso's parser is usable/relevant to Toda's CPU (Tso, col. 2, l. 44 to col. 3, l. 65; and Toda, Fig. 1-2; [0004]-[0016]; [0045]-[0077]). Furthermore, the combination of the references does teach/suggest the core of the instant invention as discussed in detail above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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